

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

MICHAEL LEE SPRUILL,

Plaintiff,

v.

FRANKLIN A. SMITH, et al.,

Defendants.

**MEMORANDUM DECISION AND  
ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Case No. 4:18-cv-00027-DN-DBP

District Judge David Nuffer

---

The Report and Recommendation<sup>1</sup> issued by United States Magistrate Judge Dustin B. Peadar on September 17, 2018, recommends that (1) Plaintiff Michael Lee Spruill's Motion to Submit a Supplemental Complaint<sup>2</sup> be granted, (2) Defendant Federal Bureau of Investigation's Motion to Dismiss Amended Complaint<sup>3</sup> be granted without prejudice, (3) all of Spruill's claims against Defendant Franklin A. Smith be dismissed without prejudice for failure to effectuate timely service, and (4) Spruill's Motion for Ruling<sup>4</sup> be denied.

The parties were notified of their right to file objections to the Report and Recommendation within 14 days of its service in accordance with [28 U.S.C. § 636](#) and [Fed. R. Civ. P. 72](#). No party filed a written objection to the Report and Recommendation. Therefore, the analysis and conclusion of the Magistrate Judge are accepted, and the Report and Recommendation<sup>5</sup> is adopted in its entirety.

---

<sup>1</sup> [Docket no. 27](#), filed September 17, 2018.

<sup>2</sup> [Docket no. 14](#), filed July 5, 2018.

<sup>3</sup> [Docket no. 21](#), filed August 13, 2018; [Docket no. 23](#), filed under seal August 13, 2018.

<sup>4</sup> [Docket no. 26](#), filed August 20, 2018.

<sup>5</sup> [Docket no. 27](#), filed September 17, 2018.

## ORDER

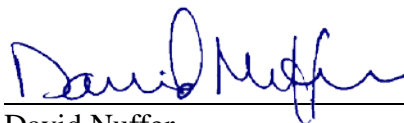
IT IS HEREBY ORDERED that the Report and Recommendation<sup>6</sup> is ADOPTED.

IT IS FURTHER HEREBY ORDERED that:

1. Spruill's Motion to Submit a Supplemental Complaint<sup>7</sup> is GRANTED;
2. FBI's Motion to Dismiss Amended Complaint<sup>8</sup> is GRANTED without prejudice;
3. All of Spruill's claims against Smith are DISMISSED without prejudice for failure to effectuate timely service; and
4. Spruill's Motion for Ruling<sup>9</sup> is DENIED.

Signed October 9, 2018.

BY THE COURT:



---

David Nuffer  
United States District Judge

---

<sup>6</sup> *Id.*

<sup>7</sup> [Docket no. 14](#), filed July 5, 2018.

<sup>8</sup> [Docket no. 21](#), filed August 13, 2018; [Docket no. 23](#), filed under seal August 13, 2018.

<sup>9</sup> [Docket no. 26](#), filed August 20, 2018.